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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/502,080

10/08/2004

J. Phillip Bowen

B40-002

3420

28156 7590 05/15/2009  
COLEMAN SUDOL SAPONE, P.C.  
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EXAMINER

GULLEDGE, BRIAN M

ART UNIT

PAPER NUMBER

1619

MAIL DATE

DELIVERY MODE

05/15/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10502080	10/8/2004	BOWEN ET AL.	B40-002

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**EXAMINER**

Brian Gulledge

ART UNIT	PAPER
1619	20090506

DATE MAILED:

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**Commissioner for Patents**

The amendment filed on January 30, 2009 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they are drawn to a method of treating a tumor or cancer, which was an invention put forth in the restriction requirement mailed October 31, 2007 but was not the elected invention. Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

/Frederick Krass/  
Supervisory Patent Examiner, Art Unit 1612

/Brian Gulledge/  
Examiner, Art Unit 1619